

IN THE STATE COURT OF FULTON COUNTY
STATE OF GEORGIA

NAOMI DAVIS, Individually and as
Administrator of the Estate of Robert
Davis, D.D.S.,
Plaintiff,

vs.

MARRIOTT INTERNATIONAL, INC.,
d/b/a Atlanta Marriott Marquis,
SODEXO MANAGEMENT, INC.,
NATIONAL DENTAL ASSOCIATION,
and John Does 1-2,
Defendants,

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Civil Action No. 17EV002798

ANSWER OF NATIONAL DENTAL ASSOCIATION

COMES NOW National Dental Association, Defendant in the above styled civil action and answers and responds to the Plaintiff's Complaint for Damages, and for Answer, shows the Court as follows:

FIRST DEFENSE

Plaintiff's Complaint fails to state a cause of action against this Defendant upon which relief can be granted.

SECOND DEFENSE

No act or omission of this Defendant either proximately caused or contributed to all damage the Plaintiff may have sustained, and on account thereof, Plaintiff is not entitled to recover any sum of this Defendant.

THIRD DEFENSE

The occurrence complained of was caused, produced or brought about directly and proximately by the negligence of the Plaintiff and/or some other person or persons for whom this Defendant was not responsible and, on account thereof, Plaintiff is not entitled to recover any sum of this Defendant.

FOURTH DEFENSE

Plaintiff, by the exercise of ordinary care, could have avoided being injured and damaged, and on account thereof, Plaintiff is not entitled to recover any sum of this

Defendant.

FIFTH DEFENSE

The negligence of Plaintiff equaled or preponderated over any act or omission of this Defendant in producing and bringing about the occurrence complained of, and on account thereof, Plaintiff is not entitled to recover any sum of this Defendant.

SIXTH DEFENSE

This Honorable Court lacks jurisdiction over this Defendant and, as a result thereof, Plaintiff's Complaint must be dismissed.

SEVENTH DEFENSE

Venue is improper in this Court and, as a result thereof, Plaintiff's Complaint must be dismissed.

EIGHTH DEFENSE

Further answering the numbered paragraphs of Plaintiff's Complaint, Defendant answers as follows:

1.

This Defendant denies the allegations contained in paragraph 1 of Plaintiff's Complaint.

2.

The Defendant National Dental Association shows that the Plaintiff's Complaint has set forth claims for wrongful death and a survivorship action. However, the Defendant National Dental Association denies any negligence for said claims.

3.

This Defendant does not possess sufficient information to form a belief as to the truth of the allegations contained in paragraph 3 of Plaintiff's Complaint, and can therefore neither admit nor deny same.

4.

This Defendant does not possess sufficient information to form a belief as to the truth of the allegations contained in paragraph 4 of Plaintiff's Complaint, and can therefore neither admit nor deny same.

5.

This Defendant does not possess sufficient information to form a belief as to the truth of the allegations contained in paragraph 5 of Plaintiff's Complaint, and can therefore neither admit nor deny same.

6.

This Defendant does not possess sufficient information to form a belief as to the truth of the allegations contained in paragraph 6 of Plaintiff's Complaint, and can therefore neither admit nor deny same.

7.

This Defendant does not possess sufficient information to form a belief as to the truth of the allegations contained in paragraph 7 of Plaintiff's Complaint, and can therefore neither admit nor deny same.

8.

This Defendant does not possess sufficient information to form a belief as to the truth of the allegations contained in paragraph 8 of Plaintiff's Complaint, and can therefore neither admit nor deny same.

9.

This Defendant admits the allegations contained in paragraph 9 of Plaintiff's Complaint.

10.

This Defendant does not possess sufficient information to form a belief as to the truth of the allegations contained in paragraph 10 of Plaintiff's Complaint, and can therefore neither admit nor deny same.

11.

This Defendant does not possess sufficient information to form a belief as to the truth of the allegations contained in paragraph 11 of Plaintiff's Complaint, and can therefore neither admit nor deny same.

12.

This Defendant denies the allegations contained in paragraph 12 of Plaintiff's Complaint.

13.

The Defendant admits that Robert Davis, D.D.S. was attending the 103rd Annual National Dental Association convention at the Atlanta Marriott Marquis Hotel on July 22, 2016. The Defendant has insufficient information to admit or deny Naomi Davis' presence at said convention at this time.

14.

This Defendant does not possess sufficient information to form a belief as to the truth of the allegations contained in paragraph 14 of Plaintiff's Complaint, and can therefore neither admit nor deny same.

15.

This Defendant denies the allegations contained in paragraph 15 of Plaintiff's Complaint.

16.

This Defendant denies the allegations contained in paragraph 16 of Plaintiff's Complaint.

17.

This Defendant does not possess sufficient information to form a belief as to the truth of the allegations contained in paragraph 17 of Plaintiff's Complaint, and can therefore neither admit nor deny same.

18.

This Defendant does not possess sufficient information to form a belief as to the truth of the allegations contained in paragraph 18 of Plaintiff's Complaint, and can therefore neither admit nor deny same.

19.

This Defendant does not possess sufficient information to form a belief as to the truth of the allegations contained in paragraph 19 of Plaintiff's Complaint, and can therefore neither admit nor deny same.

20.

Defendant re-states and re-alleges it's above responses to paragraphs 1 through 19 of the Plaintiff's Complaint as if fully set out herein.

21.

This Defendant denies the allegations contained in paragraph 21 of Plaintiff's Complaint.

22.

This Defendant denies the allegations contained in paragraph 22 of Plaintiff's Complaint as to National Dental Association.

23.

This Defendant denies the allegations contained in paragraph 23 of Plaintiff's Complaint as to National Dental Association.

24.

This Defendant denies the allegations contained in paragraph 24 of Plaintiff's Complaint as to National Dental Association.

25.

This Defendant denies the allegations contained in paragraph 25 of Plaintiff's Complaint.

26.

This Defendant denies the allegations contained in paragraph 26 of Plaintiff's Complaint as to National Dental Association.

27.

This Defendant denies the allegations contained in paragraph 27 of Plaintiff's Complaint as to National Dental Association.

28.

Defendant re-states and re-alleges it's above responses to paragraphs 1 through 27 of the Plaintiff's Complaint as if fully set out herein.

29.

This Defendant denies the allegations contained in paragraph 29 of Plaintiff's Complaint.

30.

This Defendant denies the allegations contained in paragraph 30 of Plaintiff's Complaint.

31.

This Defendant denies the allegations contained in paragraph 31 of Plaintiff's Complaint.

32.

This Defendant denies the allegations contained in paragraph 32 of Plaintiff's Complaint.

33.

This Defendant denies the allegations contained in paragraph 33 of Plaintiff's Complaint.

34.

Defendant re-states and re-alleges it's above responses to paragraphs 1 through 33 of the Plaintiff's Complaint as if fully set out herein.

35.

This Defendant denies the allegations contained in paragraph 35 of Plaintiff's Complaint.

NINTH DEFENSE

Any allegation contained in the Plaintiff's Complaint, which has not herein expressly been admitted, is hereby denied.

WHEREFORE, Defendant having fully answered the Plaintiff's Complaint prays that they hence be discharged of the Plaintiff's Complaint on all the aforesaid defenses, and that judgment be entered in favor of this Defendant and against the Plaintiff, with all costs cast upon the Plaintiff.

This 16th day of August, 2017.

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FAIN MAJOR & BRENNAN, P.C.

/s/ James W. Hardee
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Georgia Bar No. 324399
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Georgia Bar No. 287506
Counsel for National Dental Association

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CERTIFICATE OF SERVICE

This is to certify that I have this date served upon counsel for the opposing parties in the foregoing matter a copy of the **Answer of National Dental Association** electronically via Odyssey eFileGA or by placing same in the United States Mail, postage prepaid, addressed as follows:

Stacey A. Carroll
CARROLL LAW FIRM, LLC
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*Counsel for Defendant Marriott International,
Inc.*

This 16th day of August, 2017.

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DEMAND FOR JURY TRIAL

COMES NOW Defendant National Dental Association and herewith files their
Demand for Twelve-Person Jury on all issues so triable.

This 16th day of August, 2017.

FAIN MAJOR & BRENNAN, P.C.

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Stacey A. Carroll
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*Counsel for Defendant Marriott International,
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This 16th day of August, 2017.

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